

**CALIFORNIA COASTAL COMMISSION**

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## **NOTICE OF INTENTION TO AMEND AND REPEAL PORTIONS OF THE CALIFORNIA COASTAL COMMISSION'S PERMIT REGULATIONS**

**NOTICE IS HEREBY GIVEN** that the **CALIFORNIA COASTAL COMMISSION** is proposing to amend and repeal various sections of the Commission's regulations in Chapters 5 and 6 of Division 5.5 of Title 14 of the California Code of Regulations. These chapters encompass coastal development permit regulations and coastal development permit exclusions respectively.

A written comment period has been established commencing on **February 20, 1998** and terminating at the close of the public hearing concerning this matter at the Commission's meeting on **April 9, 1998**. A public hearing is scheduled as part of the Commission's regular meeting on **April 9, 1998** at the **Hyatt Regency, 200 South Pine Avenue, Long Beach**. The meeting will commence at **9:00 AM**, however, the hearing on this matter may not be the first agenda item to be heard. Interested persons may comment orally about the proposed changes at the hearing or may submit written comments concerning the proposed changes to the **CALIFORNIA COASTAL COMMISSION, LEGAL DIVISION, 45 FREMONT ST., STE. 2000, SAN FRANCISCO, CA 94105-2219** before 12 p.m. on the day before the hearing. Written comments may also be submitted to the Commission on the day of the hearing at the meeting prior to the Commission's consideration of the matter. It is requested, but not required, that written comments be mailed so that they are received no later than three (3) working days prior to the date of the public hearing. It is requested, but not required, that persons who submit written comments to the Commission at the hearing provide twenty (20) copies of such comments. This will ensure that each commissioner will receive a copy.

### **AUTHORITY AND REFERENCE**

The authority for the proposed regulatory action is found in Public Resources Code section 30333 wherein the California Coastal Commission is authorized to adopt and amend regulations to carry out the purposes and provisions of the Coastal Act and to govern procedures of the Commission.

The proposed regulatory action would implement, interpret, and make specific Public Resources and Government Code sections as follows:

**AUTHORITY AND REFERENCE CITATIONS FOR REGULATORY ACTION TO  
TITLE 14, CHAPTERS 5 AND 6 TO COASTAL COMMISSION REGULATIONS**

Section	Authority	Reference
13052	Public Resources Code § 30333	Public Resources Code § 30620; Govt. Code § 65941
13053	Public Resources Code § 30333	Public Resources Code § 30620; Govt. Code § 65941
13053.4	Public Resources Code § 30333	Public Resources Code § 30620
13053.5	Public Resources Code § 30333	Public Resources Code §§ 30601.5 & 30620
13054	Public Resources Code § 30333	Public Resources Code §§ 30620
13055	Public Resources Code § 30333	Public Resources Code § 30620
13056	Public Resources Code § 30333	Public Resources Code §§ 30620; Govt. Code § 65943
13056.1*	Public Resources Code § 30333	Public Resources Code § 30620
13057	Public Resources Code § 30333	Public Resources Code §§ 21080.5, 30604, 30607, & 30620
13058	Public Resources Code § 30333	Public Resources Code § 30621
13059	Public Resources Code § 30333	Public Resources Code §§ 30006, 30620, & 30621; Govt. Code, § 6257
13060	Public Resources Code § 30333	Public Resources Code §§ 30006, 30620, & 30621; Govt. Code, § 6257
13063	Public Resources Code § 30333	Public Resources Code §§ 30006, 30620 & 30621
13066	Public Resources Code § 30333	Public Resources Code §§ 30333 & 30333.1
13067	Public Resources Code § 30333	Public Resources Code § 30333
13070	Public Resources Code § 30333	Public Resources Code §§ 30006 & 30621
13071	Public Resources Code § 30333	Public Resources Code §§ 30333 & 30620
13072	Public Resources Code § 30333	Public Resources Code § 30621
13073 **	Public Resources Code § 30333	Public Resources Code §§ 30620 & 30621
13074 ***	Public Resources Code § 30333	Public Resources Code §§ 30006 & 30621
13090	Public Resources Code § 30333	Public Resources Code §§ 30315, 30333, 30333.1, & 30622
13092	Public Resources Code § 30333	Public Resources Code § 30315
13095	Public Resources Code § 30333	Public Resources Code § 30315
13096	Public Resources Code § 30333	Public Resources Code §§ 21080.5, 30006, 30315.1, & 30333, 30604 & 30621
13100	Public Resources Code § 30333	Public Resources Code § 30621
13101	Public Resources Code § 30333	Public Resources Code § 30621
13102	Public Resources Code § 30333	Public Resources Code §§ 30607 & 30621
13103	Public Resources Code § 30333	Public Resources Code § 30621
13109.2	Public Resources Code § 30333	Public Resources Code § 30627
13109.5	Public Resources Code § 30333	Public Resources Code §§ 30006, 30621 & 30627
13138	Public Resources Code § 30333	Public Resources Code § 30624
13144	Public Resources Code § 30333	Public Resources Code § 30611
13156	Public Resources Code § 30333	Public Resources Code § 30600
13158	Public Resources Code § 30333	Public Resources Code § 30600 & 30607
13162	Public Resources Code § 30333	Public Resources Code § 21080.5
13164	Public Resources Code § 30333	Public Resources Code §§ 30600 & 30620
13166	Public Resources Code § 30333	Public Resources Code §§ 30600, 30604, 30609, & 30620
13168	Public Resources Code § 30333	Public Resources Code § 30620
13169	Public Resources Code § 30333	Public Resources Code §§ 30600, 30604, & 30620.6
13170	Public Resources Code § 30333	Public Resources Code § 30600
13250	Public Resources Code § 30333	Public Resources Code § 30610(a)
13252	Public Resources Code § 30333	Public Resources Code § 30610(d)
13253	Public Resources Code § 30333	Public Resources Code § 30610(b)

\* § 13056.1 is proposed to be renumbered from § 13109 with no change in authority or reference citations.

\*\* § 13073 is proposed to be renumbered from § 13085 with the addition of one reference citation.

\*\*\* § 13074 is proposed to be renumbered from § 13087 with the addition of one reference citation.

Existing authority and reference citations are proposed for revision in the following sections: 13052, 13053, 13056, 13057, 13058, 13059, 13060, 13061, 13063, 13166, 13068, 13070, 13071, 13073, 13074, 13075, 13076, 13077, 13080, 13081, 13082, 13083, 13084, 13090, 13091, 13096, 13100, 13101, 13102, 13103, 13109.5, 13144, 13156, 13158, 13162, 13164, 13166, 13168, 13169, and 13170.

Public Resources Code section 30333 is being added as the authority for these sections: 13162, 13164, 13168, and 13169. The proposed changes to above-listed sections would implement, interpret and make specific Public Resources and Government Code sections as follows:

## AUTHORITY & REFERENCE CITATIONS PROPOSED FOR REVISION

### REGULATIONS PROPOSED FOR AMENDMENT

SECTION:	AUTHORITY:	REFERENCE:
13052	No change	<b>Add:</b> Government Code § 65941 <b>Delete:</b> Public Resources Code § 30333
13053	No change	<b>Add:</b> Government Code § 65941 <b>Delete:</b> Public Resources Code § 30305
13056	No change	<b>Add:</b> Government Code § 65943; <b>Delete:</b> Public Resources Code § 30505
13057	No change	<b>Add:</b> Public Resources Code §§ 21080.5, 30604, & 30607
13058	No change	<b>Add:</b> Public Resources Code § 30621 <b>Delete:</b> Public Resources Code § 30620
13059	No change	<b>Add:</b> Government Code § 6257; Public Resources Code §§ 30006 & 30621
13060	No change	<b>Add:</b> Government Code § 6257; Public Resources Code §§ 30006 & 30621
13063	No change	<b>Add:</b> Public Resources Code §§ 30006 & 30620
13066	No change	<b>Add:</b> Public Resources Code § 30333.1
13070	No change	<b>Add:</b> Public Resources Code § 30006
13071	No change	<b>Add:</b> Public Resources Code § 30620 <b>Delete:</b> Public Resources Code § 30621
13073*	No change	<b>Add:</b> Public Resources Code § 30620
13074**	No change	<b>Add:</b> Public Resource Code § 30621
13090	No change	<b>Add:</b> Public Resources Code §§ 30333, 30333.1, & 30622
13096	No change	<b>Add:</b> Public Resources Code §§ 21080.5, 30006, 30604, & 30621
13100	No change	<b>Add:</b> Public Resources Code § 30621 <b>Delete:</b> Public Resources Code § 30620
13101	No change	<b>Add:</b> Public Resources Code § 30621 <b>Delete:</b> Public Resources Code § 30620
13102	No change	<b>Add:</b> Public Resources Code §§ 30607 & 30621 <b>Delete:</b> Public Resources Code § 30620
13103	No change	<b>Add:</b> Public Resources Code § 30621 <b>Delete:</b> Public Resources Code § 30620
13109.5	No change	<b>Add:</b> Public Resources Code §§ 30006 & 30621
13144	<b>Delete:</b> Public Resources Code § 30331	<b>Add:</b> Public Resources Code § 30611 <b>Delete:</b> Public Resources Code Division 20
13156	No change	<b>Add:</b> Public Resources Code § 30600 <b>Delete:</b> Public Resources Code § 30620

\* § 13073 is proposed to be renumbered from § 13085 with the addition of one reference citation.

\*\* § 13074 is proposed to be renumbered from § 13087 with the addition of one reference citation.

**REGULATIONS PROPOSED FOR AMENDMENT**

13158	No change	<b>Add:</b> Public Resources Code §§ 30600 & 30607 <b>Delete:</b> Public Resources Code § 30620
13162	<b>Add:</b> Public Resources Code § 30333	<b>Add:</b> Public Resources Code § 21080.5
13164	<b>Add:</b> Public Resources Code § 30333	<b>Add:</b> Public Resources Code §§ 30600 & 30620
13166	No change	<b>Add:</b> Public Resources Code §§ 30600, 30604, 30620
13168	<b>Add:</b> Public Resources Code § 30333	<b>Add:</b> Public Resources Code § 30620
13169	<b>Add:</b> Public Resources Code § 30333 <b>Delete:</b> Public Utilities Code § 30333	<b>Add:</b> Public Resources Code §§ 30600 & 30604 <b>Delete:</b> Public Resources Code § 30624
13170	No change	<b>Add:</b> Public Resources Code § 30600 <b>Delete:</b> Public Resources Code § 30333

**REGULATIONS PROPOSED FOR REPEAL**

<b>SECTION:</b>	<b>AUTHORITY TO BE DELETED:</b>	<b>REFERENCE TO BE DELETED:</b>
13061	Public Resources Code § 30333	Public Resources Code § 30620
13068	Public Resources Code § 30333	Public Resources Code § 30333
13073	Public Resources Code § 30333	Public Resources Code § 30620
13074	Public Resources Code § 30333	Public Resources Code § 30620
13075	Public Resources Code § 30333	Public Resources Code §§ 30604 & 30625
13076	Public Resources Code § 30333	Public Resources Code § 30333
13077	Public Resources Code § 30333	Public Resources Code § 30333
13080	Public Resources Code § 30333	Public Resources Code § 30333
13081	Public Resources Code § 30333	Public Resources Code § 30333
13082	Public Resources Code §§ 30331 & 30333	Public Resources Code §§ 30331 & 30333
13083	Public Resources Code § 30333	Public Resources Code § 30333
13084	Public Resources Code § 30333	Public Resources Code § 30333
13091	Public Resources Code § 30333	Public Resources Code § 30333

**INFORMATIVE DIGEST AND SUMMARY OF PROPOSED  
AMENDMENTS IN PLAIN ENGLISH**

The California Coastal Commission is proposing to amend and repeal various sections of the Commission's regulations in Chapters 5 and 6 of Division 5.5 of Title 14 of the California Code of Regulations. These chapters encompass coastal development permit regulations and coastal development permit exclusions respectively.

The proposed regulatory action would affect staff processing of permit applications, Commission hearing and voting procedures, applicant and permittee requirements, and permit exclusions. The proposed regulatory action consists largely of limited modifications to existing coastal development permit regulations. The amendments would reorganize sections governing procedures for staff processing of permits and for Commission action on permits in order to provide more understandable, streamlined processes. For example, sections covering treatment of written public comments that are currently scattered throughout the regulations would be combined into one section. Similarly, various sections addressing Commission review of staff recommendations would be combined into one section governing the Commission's vote on staff recommendations. In addition, redundant procedures would be eliminated. For example, the regulations regarding staff preparation of application summaries would be incorporated into the regulations regarding staff preparation of staff reports.

A summary of each existing regulation affected by the proposed action and the effect of each proposed change is provided in the chart below. There are no existing comparable federal regulations or statutes.

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PROPOSED REVISIONS TO TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS

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Section	Description of Existing Regulation	Proposed Revision and Effect	Page No. In the Text
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**When Local Applications Must Be Made First - Ch. 5, Subch. 1, Art. 1**

AMEND <b>13052</b>	This section prohibits the executive director from accepting a permit application unless all local and state agencies that are also required to approve the project have granted preliminary approval. This section also lists those documents that can be accepted as evidence of preliminary approval.	The proposed revision would indicate that there are exceptions to the preliminary approval requirement.	1
AMEND <b>13053</b>	This section allows the executive director to waive the requirement for preliminary state and local government approvals under four circumstances.	The proposed revision would require that the executive director accept an application without preliminary approvals when required to do so pursuant to Govt. Code § 65941.	2

**Application for Permit - Ch. 5, Subch. 1, Art. 2**

AMEND <b>13053.4</b>	This section requires applicants to combine functionally related development in a single permit application. This section also prevents the commission from considering a permit amendment before a permit is “final.”	The proposed revision would clarify the commission’s authority to consider permit amendments by eliminating the language that prohibits the executive director from accepting a permit amendment before the permit is “final.”	2
AMEND <b>13053.5</b>	This section lists the information that applicants must submit in a permit application.	The proposed revision would clarify that 8 x 11 inch copies of full size maps, photographs, and other exhibits are required in addition to full-size versions.	2

**Applicant’s Notice Requirements - Ch. 5, Subch. 1, Art. 3**

AMEND <b>13054</b>	This section requires applicants to submit stamped, addressed envelopes for use by the executive director to provide notice of the permit application to people who live or own property within 100 feet of the parcel on which development is proposed. This section also requires applicants to post notice of their permit	1) The proposed revision would clarify the subject of this section by changing the heading from “Notification Requirements” to “Identification of Interested Persons/Submission of Envelopes/Posting of Site.”	3-4
		2) The proposed revision would require that applicants provide stamped, addressed envelopes for those persons who testified at local hearings on the proposed development.	3-4

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Section	Description of Existing Regulation	Proposed Revision and Effect	Page No. In the Text
	application at the site of the proposed development.	3) The proposed revision would clarify that the term “parcel”, in the requirement to identify persons residing and owning property within 100 feet of the parcel on which development will occur, means a parcel of real property of record ( <u>i.e.</u> , a legally subdivided lot).	3-4
		4) The proposed revision would require that roads be excluded when identifying property within 100 feet of the parcel on which development will occur.	3-4
		5) The proposed revision would require applicants to use the most recent equalized assessment roll to identify persons who own land within 100 feet of the parcel on which development is proposed.	3-4
		6) The proposed revision would require applicants to provide an additional set of addressed, stamped envelopes if a hearing is postponed at an applicant’s request after the executive director has mailed notice of the hearing to interested persons.	3-4
		7) The proposed revision would require that of the three factors to be considered in choosing a location for posting notice, the first two factors, conspicuousness and easily read by the public be given greater emphasis than the third factor, proximity to the site of the proposed development.	3-4

**Schedule of Fees for Filing and Processing Permit Applications - Ch. 5, Subch. 1, Art. 4**

AMEND  <b>13055</b>	This section requires permit applicants to pay an application fee at the time of filing a permit application. The application fees for residential development are based upon size of homes, number of homes, and amount of grading involved. The fees for office, commercial, convention, and industrial development vary depending upon the square footage or project cost of the proposed development. This section	1) The proposed revision would subject consent calendar permit applications to the same fee as regular calendar permit applications.  2) The proposed revision would clarify that the grading fee that applies to applications for residential development applies to all such applications ( <u>i.e.</u> , multi-family, etc.), not just those for single family residences.  3) The proposed revision would eliminate the requirement that the grading fee be increased by \$5 for each 1000 cubic yards of grading above 75 cubic yards.	4-7  4-7  4-7
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Section	Description of Existing Regulation	Proposed Revision and Effect	Page No. In the Text
	also establishes flat fees for permit applications that qualify for the administrative and consent calendars.	<p>4) The proposed revision would separate the identification of those fees for office, commercial, convention, and industrial projects that are based on square footage of the proposed project from those fees for office, commercial, etc. that are based on the cost of the proposed project.</p> <p>5) The proposed revision would clarify the fees that would apply to projects that have a project cost or square footage that does not fall within the dollar ranges currently specified.</p> <p>6) The proposed revision would require the fee for a project that consists of a change in intensity of use to be based upon project cost, not square footage.</p> <p>7) The proposed revision would require applicants for nonresidential projects that involve construction of 1000 square feet or less to pay a \$500 fee rather than the current \$1000 fee.</p> <p>8) The proposed revision would subject material amendments to a fee of 50% of the fee that would apply if the underlying permit were applied for today (rather than the current fee of 50% of the original fee paid).</p> <p>9) The proposed revision would establish a \$500 fee for temporary events that qualify for the consent or regular calendar and a \$200 fee for those that qualify for the administrative calendar.</p> <p>10) The proposed revision would clarify that the fee for an application that includes both subdivision and construction of homes is based upon the fee that would apply if the application consisted solely of an application for construction of homes, with no extra fee for subdivision.</p>	<p>4-7</p> <p>4-7</p> <p>4-7</p> <p>4-7</p> <p>4-7</p> <p>4-7</p> <p>4-7</p>



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Section	Description of Existing Regulation	Proposed Revision and Effect	Page No. In the Text
		11) The proposed revision would require that the fee for applications that propose different types of development ( <u>i.e.</u> , residential/ commercial or residential/office, etc.) be based upon the sum of fees that would be imposed if each development were applied for separately, with a total cap of \$20,000.	4-7
		12) The proposed revision would clarify that applications that are filed as administrative permits but are subsequently heard on the regular calendar are subject to regular, not administrative fees. The proposed revision would authorize the commission to collect the additional fee owed in such cases before scheduling the application for hearing or through a condition of approval of the permit.	4-7
<b>Determinations Concerning Filing - Ch. 5, Subch. 1, Art. 5</b>			
AMEND  <b>13056</b>	This section governs executive director time limits and action on filing decisions and requires that such decisions are made no later than five working days after the date filing information is received.	1) The proposed revision would extend the time limit on filing decisions from 5 working days to 10 working days, if feasible, but in no event later than 30 calendar days after the date the filing information is received.	8
		2) The proposed revision would specify the actions that will be taken by the executive director when the executive director determines that an application is either complete or incomplete.	8
		3) The proposed revision would provide applicants with the ability to appeal the executive director's filing decisions to the commission.	8
<b>Reapplication - Ch. 5, Subch. 1, Art. 17</b>			
AMEND & RENUM.  <b>13109</b>	This section limits an applicant from reapplying for substantially the same development for a period of six months from the date of the prior final decision.	1) The proposed revision would renumber this section to § 13056.1 so that this section, governing reapplication, would immediately follow the section governing processing of applications.	9
		2) The proposed revision would add a six-month limitation on reapplication following a	9

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to <b>13056.1</b>		withdrawal as well as a final decision.	
		3) The proposed revision would extend the time period in which the executive director determines whether the application is “for substantially the same development” from 5 working days to 10 working days, if feasible, but in no event later than 30 calendar days and would specify how that determination affects the filing of the application.	9
		4) The proposed revision would specify the applicant’s ability to appeal the executive director’s determination on reapplication to the commission in the same manner provided in § 13056.	9
		5) The proposed revision would remove the reference allowing the executive director to waive preliminary local approval, a provision that is also reflected in § 13053.	9
		6) The proposed revision would delete the reference to Public Resources Code § 30621 within the text of the regulation.	9
		7) The proposed revision would provide the executive director with the ability to waive limitations on reapplication for good cause.	10
<b>Staff Reports - Ch. 5, Subch. 1, Art. 6</b>			
AMEND <b>13057</b>	This section details the content of application summaries required to be prepared by the executive director as part of the application review process.	1) The proposed revision would incorporate into this section requirements currently found in §§ 13073 and 13075, which would be repealed. The proposed revision would combine the contents of application summaries specified in this section with the analysis and contents of final staff recommendations contained in §§ 13073 and 13075. The proposed revision would retain the ability of the executive director to first prepare a partial staff report rather than a final staff recommendation.	10-11
		2) The proposed revision would retitle the combined application summary and final staff recommendation as a “staff report”.	10-11
AMEND	This section governs consolidation of two or	1) The proposed revision would allow the commission as well as the executive director	12

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Section	Description of Existing Regulation	Proposed Revision and Effect	Page No. In the Text
<b>13058</b>	more legally or factually related applications by the executive director.	to consolidate a public hearing.	
		2) The proposed revision would eliminate the need for the applicant to demonstrate that consolidation would inhibit the commission's review.	12
		3) The proposed revision would delete the reference to Public Resources Code § 30621 within the text of the regulation.	12
AMEND <b>13059</b>	This section requires that the application summary (which is, effectively, contained within the staff report) be distributed to interested persons within a reasonable period of time.	1) The proposed revision would clarify that unlike the notice of application sent to all known interested parties, the staff report itself would be automatically mailed only to persons who specifically requested it.	12
		2) The proposed revision would provide a procedure to notify known interested persons of the need to request staff reports.	12
		3) The proposed revision would incorporate into this section requirements currently found in § 13076, which would be repealed. The proposed revision would combine the procedure for distribution of application summaries in § 13059 with the procedure for distribution of final staff recommendations in § 13076.	12
		4) The proposed revision would retitle the combined application summary and final staff recommendation as a "staff report".	12
		5) The proposed revision would eliminate the reference to "extensive duplicating costs." The proposed revision would allow the commission to recover from interested persons direct copying costs, regardless whether extensive duplicating costs are involved.	12
		6) The proposed revision would eliminate the reference to "extensive mailing costs." The proposed revision would no longer allow reimbursement of extensive mailing costs, instead relying on the existing ability to require self-addressed stamped envelopes.	12

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Section	Description of Existing Regulation	Proposed Revision and Effect	Page No. In the Text
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**Public Comments on Applications - Ch. 5, Subch. 1, Art. 7**

AMEND  <b>13060</b>	This section governs reproduction & distribution of relevant communications concerning applications which are received before the hearing and any time prior to the vote.	1) The proposed revision would incorporate the provisions of §§ 13074 and 13077, also governing treatment of written public comments, into this section. Sections 13074 and 13077 would then be proposed for repeal.	13
		2) The proposed revision would clarify the procedure applicable to the receipt of written communications on the day of the hearing.	13
REPEAL  <b>13061</b>	This section governs reproduction of sizable number of similar communications received.	The proposed revision would incorporate the provisions of this section into § 13060. This section would then be proposed for repeal.	13

**Hearing Dates - Ch. 5, Subch. 1, Art. 8**

AMEND  <b>13063</b>	This section relates to the notice of hearing to be provided by the executive director to applicants or interested persons.	1) The proposed revision would require that hearing notice be mailed by first class mail no later than 10 calendar days prior to the date of the hearing.	14
		2) The proposed revision would specify all types of known interested persons who shall receive notice.	14
		3) The proposed revision would clarify that distribution of staff reports are governed by § 13059.	14
		4) The proposed revision would provide the executive director with the ability, on a case by cases basis, to direct the applicant to substitute newspaper notice for written notice to each interested person other than those who have specifically requested notice.	14-15
		5) The proposed revision would specify the two factors that the executive director shall consider in determining whether to substitute newspaper notice: (1) adequate or better notice to interested person through publication and (2) written notice to individuals would be unreasonably burdensome given the project type and cost.	14-15

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Section	Description of Existing Regulation	Proposed Revision and Effect	Page No. In the Text
		6) The proposed revision would clarify that more than one hearing notice need not be provided.	15
<b>Oral Hearing Procedures - Ch. 5, Subch. 1, Art. 9</b>			
AMEND <b>13066</b>	This section governs the order of proceedings on a permit application.	1) The proposed revision would incorporate the provisions of § 13084, governing the procedures for presentations, into § 13066, governing the order of proceedings. Section 13084 would then be proposed for repeal.  2) The proposed revision would clarify that public testimony is only one part of the public hearing and provide an order for all parts of the public hearing, including the public testimony portion.  3) The proposed revision would delete references to sections of the regulations which have been repealed.	15-16  15-16  15-16
AMEND <b>13067</b>	This section addresses speaker's presentations.	The proposed revision would incorporate the provisions of § 13068 into this section. Section 13068 would then be proposed for repeal.	17
REPEAL <b>13068</b>	This section also addresses speaker's presentations.	The proposed revision would incorporate the provisions of this section into § 13067. This section would then be proposed for repeal.	17
<b>Additional Hearings, Withdrawal and Off-Calendar Items, Amended Applications - Ch. 5, Subch. 1, Art. 11</b>			
AMEND <b>13070</b>	This section addresses the commission's ability to continue public hearings to a subsequent meeting.	The proposed revision would add a provision which specifies that the executive director shall provide notice of a meeting that has been continued to a subsequent time consistent with the provisions of § 13063.	18
AMEND <b>13071</b>	This section provides for the withdrawal of applications before commission action on the application.	The proposed revision would revise a cross-reference from § 13109 to § 13056.1, the section number it is proposed to be revised to.	18
AMEND <b>13072</b>	This section provides hearing procedures for applications that are proposed to be amended in a material manner before commission action.	1) The proposed revision would clarify and distinguish procedures for commission consideration of proposed material amendments to a pending application made prior to and at a public hearing.	18-19

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Section	Description of Existing Regulation	Proposed Revision and Effect	Page No. In the Text
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		2) The proposed revision would eliminate the requirement that an applicant agree to extend the final date for public hearing “not more than 49 days from the date of such amendment.”	18-19
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**Preparation of Staff Recommendation - Ch. 5, Subch. 1, Art. 12**

REPEAL <b>13073</b>	This section governs staff analysis contained in staff recommendations.	The proposed revision would incorporate the provisions of this section into § 13057. This section would then be proposed for repeal.	19; 10-11
REPEAL <b>13074</b>	This section governs the submission of additional written evidence at the public hearing.	The proposed revision would incorporate the provisions of this section into § 13060. This section would then be proposed for repeal.	20; 13
REPEAL <b>13075</b>	This section details the required content, pursuant to the Coastal Act and CEQA, of the executive director’s final staff recommendation to the commission on a permit application.	The proposed revision would incorporate the provisions of this section into § 13057. This section would then be proposed for repeal.	20; 10-11
REPEAL <b>13076</b>	This section requires distribution of the final staff recommendation in accordance with § 13059.	The proposed revision would incorporate the provisions of this section into § 13059. This section would then be proposed for repeal.	20; 12
REPEAL <b>13077</b>	This section provides that any person may respond to the staff recommendation in writing to the commission, subject to certain procedural limitations.	The proposed revision would incorporate the provisions of this section into § 13060. This section would then be proposed for repeal.	21; 13

**Commission Review of Staff Recommendations - Ch. 5, Subch. 1, Art. 13**

REPEAL <b>13080</b>	This section specifies alternatives for commission consideration of the staff recommendation.	The proposed revision would combine the alternatives for commission consideration of staff reports contained in §§ 13080-13082, and incorporate those provisions into § 13090, governing commission vote on staff reports. This section would then be proposed for repeal.	21; 24-25
REPEAL	This section specifies applicable procedures if the staff recommendation is included in the	The proposed revision would combine the alternatives for commission consideration of staff reports contained in §§ 13080-13082, and then incorporate those provisions into §	21; 24-25

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Section	Description of Existing Regulation	Proposed Revision and Effect	Page No. In the Text
<b>13081</b>	application summary.	13090, governing commission vote on staff reports.	
REPEAL <b>13082</b>	This section specifies applicable procedures if a verbal staff recommendation is provided by the executive director upon conclusion of public hearing.	The proposed revision would combine the alternatives for commission consideration of staff reports contained in §§ 13080-13082, and incorporate those provisions into § 13090, governing commission vote on staff reports. This section would then be proposed for repeal.	21; 24-25
REPEAL <b>13083</b>	This section addresses the ability of the commission to consider staff recommendations at a meeting subsequent to the oral hearing.	The proposed revision would incorporate the provisions of this section into § 13090, governing the commission's vote on staff reports, or § 13070 governing the commission's ability to continue hearings. This section would then be proposed for repeal.	22; 18, 24-25
REPEAL <b>13084</b>	This section addresses procedures for presentation of staff recommendation & responses of interested persons.	The proposed revision would incorporate the provisions of this section, governing the procedures for presentation, into § 13066, governing the order of proceedings. This section would then be proposed for repeal.	22; 15-16
AMEND & RENUM.  <b>13085</b> to <b>13073</b>	This section addresses an applicant's automatic right to the first postponement of the hearing on the coastal development permit and subsequent requests for postponements which are granted at the commission's discretion.	<p>1) The proposed revision would identify that an applicant for a coastal development permit must exercise their automatic right for postponement prior to the public testimony portion of the public hearing but would eliminate this requirement for subsequent requests for postponements which are granted at the commission's discretion.</p> <p>2) The proposed revision would eliminate the requirement that communications regarding postponement be made in writing, instead allowing for the postponement request to be stated on the record in a commission meeting.</p> <p>3) The proposed revision would require an applicant who requests a postponement to include a waiver of any applicable time limits not only if the postponement is requested as a matter of right but also if the postponement is granted at the commission's discretion.</p> <p>4) The proposed revision would require an applicant who requests postponement to provide another set of stamped envelopes.</p>	<p>23</p> <p>23</p> <p>23</p> <p>23</p>

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Section	Description of Existing Regulation	Proposed Revision and Effect	Page No. In the Text
		5) The proposed revision would eliminate a reference to § 13071 governing withdrawals.	23
		6) The proposed revision would renumber the regulation from § 13085 to 13073 so that it is contained in article 11, governing additional hearings, rather than article 13, governing commission review of staff reports.	23
AMEND & RENUM.	This section addresses rescheduling of a hearing that has been postponed at the request of the applicant.	1) The proposed revision would extend the applicability of the rescheduling provision to all postponements, whether requested by the applicant as a matter of right or granted at the commission's discretion.	23
13087 to 13074		2) The proposed revision would add a provision which specifies the manner in which the executive director shall provide notice of the rescheduled hearing.	23
		3) The proposed revision would renumber the regulation from § 13087 to 13074, so that the regulation would be contained in article 11, addressing additional hearings rather than in article 13, addressing the commission's review of staff reports.	23
<b>Voting Procedure - Ch. 5, Subch. 1, Art. 14</b>			
AMEND 13090	This section addresses the commission's vote.	The proposed revision would incorporate the provisions of §§ 13080-13082, governing the commission's consideration of staff reports, and the provisions of §§ 13090-13091, governing the commission's vote on staff reports, into one § 13090.	24-25
REPEAL 13091	This section addresses voting time and manner.	The proposed revision would incorporate the provisions of this section into § 13090. This section would then be postponed for repeal.	25
AMEND 13092	This section addresses the effect of the commission's vote under various conditions.	1) The proposed revision would make explicit that unless the commission modifies proposed conditions, a motion to grant the permit will include the conditions proposed in the staff report as modified by staff at the hearing.	25
		2) The proposed revision would delete subsection (c) regarding the number of	25



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Section	Description of Existing Regulation	Proposed Revision and Effect	Page No. In the Text
		commissioners needed to carry a motion.	
		3) The proposed revision would relocate a portion of subsection (d) to § 13096 addressing the commission's adoption of findings.	25
AMEND 13095	This section addresses voting by members absent from a hearing.	The proposed revision would clarify that a member who has been absent from all or part of a hearing may vote on the application if they have familiarized themselves with the evidence presented rather than with the hearing presentation itself.	26
AMEND 13096	This section addresses the commission's findings in support of their action on permit applications.	1) The proposed revision would cross reference, without reiterating, the mandatory elements of the commission's findings identified in § 13057(c) governing preparation of the staff report.	26
		2) The proposed revision would identify a procedure for the adoption of revised findings.	26
		3) The proposed revision would add a provision which specifies the manner in which the executive director shall provide notice of the public hearing for the adoption of the revised findings.	26
<b>Consent Calendar Procedures - Ch. 5, Subch. 1, Art. 15</b>			
AMEND 13100	This section addresses applications processed on the consent calendar.	1) The proposed revision would replace the term "de minimis" with the term "significant".	27
		2) The proposed revision would allow the consent calendar to be utilized for those applications which, as recommended to be conditioned, do not raise significant issues in addition to those applications which do not raise significant issues as submitted.	27
AMEND 13101	This section addresses procedures for consent calendar.	The proposed revision would remove duplicative references to procedures set forth in other sections.	27
AMEND 13102	This section addresses conditions in staff reports for consent calendar items.	The proposed revision would allow conditions in staff reports for consent calendar items to be modified after the staff report has been mailed if those changes are not substantial.	27-28

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Section	Description of Existing Regulation	Proposed Revision and Effect	Page No. In the Text
AMEND 13103	This section addresses public hearings on consent calendar items.	The proposed revision would make explicit that items removed from the consent calendar will be scheduled for public hearing on the regular permit calendar.	28
Reconsideration - Ch. 5, Subch. 1, Art. 18			
AMEND 13109.2	This section addresses how reconsideration proceedings are initiated.	1) The proposed revision would specify that the request should be provided to the appropriate area office rather than to the executive director.	28
		2) The proposed revision would add a provision which directs the executive director to prepare a staff report on the merits of the reconsideration request.	28
		3) The proposed revision would add a provision which prescribes the manner in which the executive director shall distribute the staff report addressing the merits of the reconsideration request.	28
AMEND 13109.5	This section addresses the hearing on reconsiderations.	1) The proposed revision would add a provision that specifies the manner in which the executive director shall provide notice of the hearing on the reconsideration.	29
		2) The proposed revision would eliminate the requirement for the commission to vote on the reconsideration at the same hearing.	29
		3) The proposed revision would delete a reference to the regional commission.	29
		4) The proposed revision would correct a cross-reference to the regulations governing the processing of new applications.	29
Applications for Emergency Permits - Ch. 5, Subch. 4, Art. 2			
AMEND 13138	This section specifies how to apply for a permit in an emergency situation. It allows for application by letter or by telephone.	The proposed revision would allow permit applications in an emergency to be submitted by fax during business hours in addition to letter and telephone.	29
Emergency Actions Without a Permit - Ch. 5, Subch. 4, Art. 4			
AMEND	This section requires the executive director to be	The proposed revision would require notice of emergency actions without a permit by fax	29-30

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Section	Description of Existing Regulation	Proposed Revision and Effect	Page No. In the Text
13144	notified by telegram of those emergency actions that are authorized to occur without a permit pursuant to Coastal Act § 30611.	or telephone rather than by telegram.	
Contents of Permits - Ch. 5, Subch. 6, Art. 1			
AMEND 13156	This section identifies several standard permits terms. This section provides that permits expire within 2 years unless construction has commenced. It also provides that permits must be assigned in accordance with procedures in § 13170 and that permits do not become effective until the commission has received a signed acknowledgment in accordance with § 13158.	1) The proposed revision would clarify that permits are not required to be assigned because they run with the land, binding all future land owners.	30
		2) The proposed revision would delete the word “construction”, which is not defined in the Coastal Act and replace it with the word “development”, which is defined. The change would clarify that a permit expires within 2 years of commission approval unless development (not construction) has commenced.	30
Notice of Receipt and Acknowledgment - Ch. 5, Subch. 6, Art. 2			
AMEND 13158	This section provides that an approved permit becomes effective only after the applicant has signed and returned the permit with a statement acknowledging and accepting the permit and its contents.	1) The proposed revision would clarify that an approved permit cannot be issued to an applicant for purposes of acknowledgment until all “prior to issuance” conditions have been satisfied.	30-31
		2) The proposed revision would clarify that an approved permit must be issued and acknowledged in order to become effective and that development cannot commence until the permit is effective.	30-31
		3) The proposed revision would confirm the commission’s authority to consider extending permits that have been approved but not yet issued.	30-31
Time for Issuing Permits and Distribution - Ch. 5, Subch. 6, Art. 5			
AMEND 13162	This section requires the commission to send copies of issued permits to the Secretary of the Resources Agency for posting and inspection as required by CEQA.	1) The proposed revision would update the citation to the CEQA section that requires the filing of an agency decision with the Secretary of Resources Agency. (The accurate citation is CEQA § 21080.5(d)(v).)	31
		2) The proposed revision would insure that the required notice of an agency decision is	31

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Section	Description of Existing Regulation	Proposed Revision and Effect	Page No. In the Text
		provided to the Secretary of Resources following approval, not issuance, of the permit by the commission.	

**Amendments to Permits - Ch. 5, Subch. 6, Art. 5**

AMEND <b>13164</b>	This section requires permit amendment applications to be submitted in writing and to include an adequate description of the proposed amendment.	The proposed revision would clarify that amendment applications must be accompanied by the same type of information as an amendment application, <u>i.e.</u> , information concerning the proposed change, the impacts, and the alternatives.	31
AMEND <b>13166</b>	This section governs commission action on amendment applications. It provides for: executive director rejection of amendments that lessen or avoid the intended effect of a conditioned permit, designation of immaterial amendments that can be approved by the executive director without a hearing, and approval of material amendments by the commission. This section requires public notice that a proposed amendment has been designated immaterial. Any written objections to the designation automatically trigger treatment of the amendment as material ( <u>i.e.</u> , and therefore subject to hearing requirements).	<p>1) The proposed revision would clarify the executive director's authority to reject amendments that lessen or avoid the intended effect of an approved permit by eliminating the reference to "partially approved" permits.</p> <p>2) The proposed revision would clarify that the commission has authority to overrule the executive director's decision to reject a permit amendment application.</p> <p>3) The proposed revision would define "material" amendments as those amendments that have the potential for adverse impacts on coastal resources or public access.</p> <p>4) The proposed revision would allow an amendment to be designated immaterial even if it would change a permit condition.</p> <p>5) The proposed revision would allow the executive director to designate objections to immaterial amendments as invalid (<u>i.e.</u>, not raising an issue of conforming with the Coastal Act) and to approve an immaterial amendment without a hearing, even if an objection has been received, if the objection is invalid. The amendment would not be effective until reported to the commission.</p> <p>6) The proposed revision would clarify that the standard for approval of amendments is whether the development as amended is consistent with Chapter 3 policies of the Coastal</p>	<p>32-33</p> <p>32-33</p> <p>32-33</p> <p>32-33</p> <p>32-33</p> <p>32-33</p>

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Section	Description of Existing Regulation	Proposed Revision and Effect	Page No. In the Text
		Act, or a certified Local Coastal Program if applicable.	
AMEND 13168	This section establishes an application fee for permit amendments.	The proposed revision would clarify that the fee for amendment applications is no longer \$25 and that the fee is identified in § 13055.	33-34

Section	Description of Existing Regulation	Proposed Revision and Effect	Page No. In the Text
<b>Extension of Permits - Ch. 5, Subch. 6, Art. 6</b>			
<b>AMEND 13169</b>	This section authorizes the commission to extend the expiration date of permits. It specifies what must be included in an application for an extension and provides for: automatic approval of extensions by the executive director when there are no changed circumstances, commission hearings on whether there are changed circumstances, and commission hearings on permits that are not extended because of changed circumstances. This section establishes a process for public notice of extension applications that the executive director proposes to approve administratively. If a written objection is received, the extension is referred to the commission for a hearing on whether there are changed circumstances that may affect consistency of the development with the Coastal Act.	1) The proposed revision would clarify that it is development, not construction, that must commence within 2 years of commission approval in order to avoid expiration of the permit.	34-36
		2) The proposed revision would clarify that the fee for extension applications is no longer \$50 and that the fee is identified in § 13055.	34-36
		3) The proposed revision would clarify that a permit can be extended even if the permittee has not yet satisfied “prior to issuance” conditions.	34-36
		4) The proposed revision would require permittees to provide the commission with stamped envelopes addressed to persons known to be interested in an extension application, including those identified in § 13054 ( <u>i.e.</u> , people who live/own property within 100 feet of the property on which the development is proposed).	34-36
		5) The proposed revision would clarify that the applicant, not the executive director, has the obligation to post a notice of the proposed extension at the site of the development.	34-36
		6) The proposed revision would require the executive director to report immaterial extensions ( <u>i.e.</u> , those extensions that can be approved administratively because there are no changed circumstances) to the commission so that the commissioners have an opportunity to object to the executive director’s determination that there are no changed circumstances.	34-36
		7) The proposed revision would establish a process for the executive director to designate an objection to an immaterial extension as invalid, to report such designation to the commission (at the time of reporting the extension) and to approve the extension administratively if the commission does not object.	34-36

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Section	Description of Existing Regulation	Proposed Revision and Effect	Page No. In the Text
		8) The proposed revision would clarify that the standard for review of an extension application is whether there are changed circumstances that affect consistency of the proposed development with Chapter 3 policies of the Coastal Act or with a certified local coastal program if applicable.	34-36
		9) The proposed revision would clarify that when the commission denies an extension and schedules the proposed development for a hearing, the applicant must submit information regarding how the changed circumstances affect the proposed development if such information is necessary for the commission to evaluate the proposed development.	34-36
		10) The proposed revision would clarify that the prohibition on vesting a permit (by commencing development) after filing an extension request, applies only during the time that the permit would be expired but for the submission of an extension application (which stays the expiration until commission action).	34-36
<b>Assignment of Permits - Ch. 5, Subch. 6, Art. 7</b>			
AMEND  <b>13170</b>	This section requires that a landowner who is not the original permittee obtain assignment of a permit before undertaking any development pursuant to the permit.	1) The proposed revision would allow new landowners to complete development approved under a permit obtained by the prior landowner without having to obtain an assignment of the permit from the prior permittee.	36-37
		2) The proposed revision would allow landowners to reflect changes in ownership, and hence changes in permittees, by reporting a transfer of the permit to the commission.	36-37
		3) The proposed revision would allow permittees to reflect changes in ownership without payment of a fee.	36-37
<b>Existing Single-Family Residences - Ch. 5, Subch. 6</b>			
AMEND  <b>13250</b>	This section lists those types of improvements to single family residences that involve a risk of adverse environmental effect and therefore are not exempt from permit requirements under	1) The proposed revision would clarify that a permit is required for improvements that are either in one of the sensitive areas identified in § 13250(b)(1) or to a structure located in one of these sensitive areas.	37-38

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Section	Description of Existing Regulation	Proposed Revision and Effect	Page No. In the Text
	Coastal Act § 30610(a).	<p>2) The proposed revision would require a permit for improvements to residences where the improvement or residence is located in an ESHA or in an area designated as highly scenic in a certified land use plan.</p> <p>3) The proposed revision would clarify the distinction between § 13250(b)(1) and (b)(4) by specifying that the improvements identified in subsection (b)(4) are those that are not covered by subsection (b)(1).</p> <p>4) The proposed revision would require a permit for improvements that involve significant alteration of land forms in ESHAs.</p> <p>5) The proposed revision would give local governments the same authority as the commission to approve development on condition that all future improvements are subject to permit requirements even if they would otherwise be exempt.</p>	<p>37-38</p> <p>37-38</p> <p>37-38</p> <p>37-38</p>
<b>Repair and Maintenance Activities that Require a Permit - Ch. 6, Subch. 7</b>			
AMEND  <b>13252</b>	This section lists those methods of repair and maintenance that are extraordinary and therefore not exempt from permit requirements under Coastal Act § 30610(d).	<p>1) The proposed revision would clarify that the activities of public agencies and utilities listed in the commission's 1978 guidelines are subject to the provisions of § 13252 if the proposed repair and maintenance involves one of the identified extraordinary methods and will have a substantial adverse impact on public access, ESHA, wetlands, or public views to the ocean.</p> <p>2) The proposed revision would clarify that replacement of 50% or more of a single family residence or any other structure is new development, not repair and maintenance of an existing structure.</p> <p>3) The proposed revision would authorize the executive director to waive the permit requirement for a repair and maintenance activity that involves one of the identified extraordinary methods.</p>	<p>38-39</p> <p>38-39</p> <p>38-39</p>



Section	Description of Existing Regulation	Proposed Revision and Effect	Page No. In the Text
<b>Improvements to Structures, other than Single-Family Residences and Public Work Facilities that Require Permits - Ch. 6, Subch. 7.5</b>			
<b>AMEND 13253</b>	This section lists those types of improvements to structures other than single family residences that involve a risk of adverse environmental effect, adversely affect public access, or involve a change in use contrary to the policies of the Coastal Act and therefore are not exempt from permit requirements under Coastal Act § 30610(b).	1) The proposed revision would clarify that a permit is required for improvements that are either in one of the sensitive areas identified in § 13253(b)(1) or to a structure located in one of these sensitive areas.	39-40
		2) The proposed revision would require a permit for improvements that involve significant alteration of land forms in ESHAs or areas that are designated as highly scenic in a certified land use plan.	39-40
		3) The proposed revision would clarify the distinction between § 13253(b)(1) and (b)(4) by specifying that the improvements identified in subsection (b)(4) are those that are not covered by subsection (b)(1).	39-40
		4) The proposed revision would give local governments the same authority as the commission to approve development on condition that all future improvements are subject to permit requirements even if they would otherwise be exempt.	39-40

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Section	Description of Existing Regulation	Proposed Revision and Effect	Page No. In the Text
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### **COST OR SAVINGS TO GOVERNMENTAL AGENCIES AND SCHOOL DISTRICTS**

The proposed amendment and repeal of the regulations will not result in any cost or savings to any State agency, result in any cost to any local agency or school district that is required to be reimbursed under part 7 (commencing with section 17500) of Division 4 of the Government Code, result in any other non-discretionary cost or savings to local agencies, result in any cost or savings in federal funding to the state, or impose a mandate on local agencies or school districts.

### **SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS**

The proposed amendment and repeal of the regulations will not have a significant adverse impact on business. The regulatory action will not adversely impact the ability of California businesses to compete with businesses in other states. It will not create or eliminate jobs within California, create new businesses, eliminate existing businesses, or affect the expansion of businesses currently doing business within California. The proposed amendment and repeal of the regulations will not have a significant adverse impact on business because it will not impose new compliance obligations, rather, it will clarify and streamline the current procedures whereby coastal development permits applications are processed and reviewed by the Coastal Commission consistent with state law.

As described in detail in the following section of this notice, there are several amendments that could potentially increase costs for some businesses in the coastal zone. However, as discussed below, the potential increases in cost may be offset by several other amendments that clarify and streamline the permit process. Even if the potential cost increases are not directly offset, the increases would be minor and would not have a significant adverse economic impact on business in California.

### **POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES DIRECTLY AFFECTED.**

As a whole, the proposed amendment and repeal of regulations is not expected to increase costs for the majority of individuals and businesses affected. The action contains some amendments that could result in minor cost increases for a few of the individuals and businesses affected. However, it also contains amendments that could decrease costs for those affected.

The private individuals and businesses directly affected by this action are those persons and businesses who are required to obtain a coastal development permit from the Coastal Commission or who may seek to amend or extend an existing Commission-issued permit. These include individual homeowners, commercial and retail businesses, developers of hotels, resorts, residential communities, and any other business that may undertake development in the coastal zone in an area subject to the permit jurisdiction of the Coastal Commission.

The primary objective of the regulatory action is to clarify and streamline the regulations governing the process for obtaining, amending, and extending coastal development permits. The clarification of ambiguities in the regulations would reduce the amount of time that some individuals and businesses spend on understanding the process and the amount of time Commission staff spends on explaining the process. Some of the streamlining measures would enable faster Commission processing of some applications, which would save time for some applicants, while other streamlining measures would reduce direct costs for some applicants. For example, the amendments to sections 13169 and 13166 would reduce delays associated with administrative approval of certain immaterial amendments and extensions. The amendments to section 13063 would provide the Executive Director with the ability, in situations where mailing individual notice would be unreasonably burdensome, to direct the applicant to substitute newspaper notice for individual written notice to interested persons other than those who specifically request individual notice. This could result in reduced direct costs for some applicants who, in situations in which newspaper notice is substituted, would no longer need to pay for mailed notice. These streamlining measures along with the clarification of ambiguities have the potential to decrease costs associated with compliance with the coastal development permit requirements.

There are a few revisions that could potentially increase costs although these increases may be generally offset by the time and cost savings described above. These potential cost increases are associated with permit application fees (section 13055) and with requirements for notifying the public of Commission hearings on proposed development (sections 13054, 13073, and 13059). The potential increases are minor compared to both the cost of most development proposals and to the Commission's costs, and they affect relatively few applicants.

The amendments to section 13055 are intended to clarify how to determine which fee applies in any given situation. Public Resources Code section 30620 authorizes the Commission to require a reasonable filing fee and the reimbursement of expenses for the processing of any coastal development permit application. However, ambiguities in the current regulations create the potential for different interpretations among the Commission's district offices. As a result, fees can be calculated inconsistently. Clarification of the ambiguities would ensure that applicants are treated uniformly. The amendments to section 13055 would increase specific application fees in only two instances. First, the \$250 "consent calendar" fee would be eliminated so that all applicants pay the same fee, regardless of which calendar the application is heard on, with the exception of applications that qualify for the administrative calendar. Second, the amendment application fee would be revised so that all applicants pay 50% of the fee that would apply to the underlying permit if it were applied for today.

Elimination of the "consent calendar" fee will not affect the majority of permit applicants. The \$250 consent calendar fee currently applies only to those permit applications that appear to Commission staff at the time of filing to be de minimis with respect to the purposes and objectives of the Coastal Act. All other permit applications (with the exception of those qualifying for the administrative calendar) are subject to a fee range that varies depending upon

square footage or project cost. Since it is difficult for the Commission staff to determine at the time of filing whether a project is de minimis, few applicants generally qualify for the \$250 fee. Further, the perception that elimination of the consent calendar fee is a fee increase will in some cases be due to the practice in some offices of accepting applications for the consent calendar and subsequently rescheduling them for the regular calendar process (due to Coastal Act issues that arise during permit review) without seeking the increased fee amount that would otherwise apply to regular calendar permits.

The cost increase associated with elimination of the consent calendar fee is low. First, the amendments to section 13055 include establishment of a new lower fee for small commercial projects. This is intended to reduce the potential cost impact of eliminating the consent calendar fee for small commercial projects (those of 1,000 square feet or less). Second, most projects that are currently found by Commission staff at the time of filing to be de minimis are likely to be subject to the lower fees in the current regular calendar fee ranges because of their size. Thus, the potential increase in costs resulting from elimination of the consent calendar fee (with establishment of the new lower fee for small commercial projects) ranges from \$250 to \$350 for both small commercial projects and residential projects. This increase is minor compared to the costs of most development proposals and to the Commission's overall costs for processing permit applications.

The proposed amendments to section 13055 could also potentially increase costs for those private individuals and businesses that seek to amend a Commission-issued permit. However, the potential increases would affect only a few applicants. Currently, section 13055 requires all applicants for permit amendments to pay a fee equal to 50% of their original application fee. In 1991, the Commission revised the application fees, which had not been increased since 1973. However, at that time, the Commission failed to change the fee for amendment applications -- it remained 50% of the original application fee. As a result, those amendment applicants who obtained permits prior to 1991 pay 50% of the application fee paid under the 1973 fee amounts while amendment applicants who obtained permits after 1991 pay 50% of the application fee paid under the 1991 amounts. The revisions to section 13055 would eliminate this inequity by subjecting all permit amendments to a fee of 50% of the fee that would apply to the underlying permit today. This revision would reflect that significant Commission staff time and effort is spent on many permit amendment applications. The fee of 50% of the original permit fee is so low for those permits obtained under the 1973 fee schedules that the fee is insignificant compared to Commission costs.

The potential costs increases associated with public notice of development proposals relate to amendments to section 13054, 13073, and 13059. As stated above, Public Resources Code section 30620 authorizes the Commission to require the reimbursement of expenses for the processing of any coastal development permit application. Currently, section 13054 requires applicants to pay for the costs of notifying those neighboring landowners and residents who are

within 100 feet of the parcel on which development is proposed of an upcoming hearing on the proposed development. One amendment would clarify that roads are not included when identifying those neighbors within 100 feet. This amendment is consistent with current interpretation of ambiguities in the regulation and therefore would not increase costs for applicants.

Sections 13054 and 13073 are also proposed to be revised to require applicants to pay for the costs of renoticing those certain interested persons of a hearing that was postponed at the applicant's request. This amendment affects only those applicants who choose to seek postponement of a hearing after the Executive Director has already mailed notice of the hearing. Thus, the cost increase associated with these revisions is not mandatory and is justified because permit applicants should bear renoticing costs when they delay a hearing.

The proposed revisions to section 13059 would allow the Commission to recover direct copying costs incurred when providing copies of staff reports to interested persons. Existing section 13059 allows the Commission to recover such costs only when extensive duplicating costs are involved. However, existing Government Code section 6257 and Public Resources Code section 30620 authorize the Commission to recover all duplicating costs. The proposed revision to section 13059 would conform the regulation to existing statutory references. Although the revision would allow the Commission to recover direct duplicating costs, even when those costs are not extensive, recovery of such costs would be minimal by definition, and would only be incurred at the request of interested persons. Finally, as revised, section 13059 would eliminate the ability of the Commission to require reimbursement of extensive mailing costs, instead relying on the existing ability of the Commission to require self-addressed stamped envelopes.

Overall, the proposed amendments have the potential to result in minor cost increases for a few types of permit applicants. On the whole, however, the amendments will clarify and streamline the permit procedures, which may result in some time and cost savings for many permit applicants.

### **ASSESSMENT STATEMENT**

The proposed amendment and repeal of regulations will neither create nor eliminate jobs within California, create new businesses or eliminate existing businesses, or affect the expansion of businesses, currently doing business within California. The purpose and effect of the proposed regulatory action is to 1) expand the range of options for the Commission to fulfill its responsibilities under the Coastal Act and its implementing regulations, 2) provide needed clarifications to existing regulatory provisions, and 3) conform to existing statutes.

### **EFFECT ON HOUSING COSTS**

The proposed amendment and repeal of regulations will have no significant effect on housing costs.

## **ALTERNATIVES**

The **CALIFORNIA COASTAL COMMISSION** must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

## **PLAIN ENGLISH STATEMENT**

It has been determined that the proposal may affect small business. The express terms of the proposal written in plain English have been prepared by the Commission pursuant to Government Code sections 11342(c) and 11346(a)(1) and the informative digest for this proposal constitutes a plain English summary.

## **AVAILABILITY OF STATEMENT OF REASONS AND TEXT**

The **CALIFORNIA COASTAL COMMISSION** has prepared the proposed revisions to its regulations and has available all of the information upon which its proposal is based. A copy of the proposed revisions, together with the Initial Statement of Reasons, which includes all of the information upon which the proposed regulatory action is based, may be obtained from the **CALIFORNIA COASTAL COMMISSION, LEGAL DIVISION, 45 FREMONT ST., STE. 2000, SAN FRANCISCO, CA 94105-2219** or by telephoning Jeff Staben or Rita Babaran at (415) 904-5220. Copies of this notice, the initial statement of reasons and the text of the proposed change may also be obtained from the Coastal Commission's website at <http://ceres.ca.gov/coastalcomm/index.html>. Any inquiries concerning the proposed amendments should be directed to **Ann Cheddar or Amy Roach**, by mail at the same address or by telephone at (415) 904-5220.

## **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

Following the comment period, the **CALIFORNIA COASTAL COMMISSION** may adopt the proposed revisions to the regulations substantially as described in this notice. If modifications are made which substantially change the originally proposed text, the modified text with changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the **CALIFORNIA COASTAL COMMISSION** adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of **Ann Cheddar or Amy Roach** at the address indicated above. The **CALIFORNIA COASTAL COMMISSION** will accept written comments on any modified regulations for 15 days after the date on which any modified regulations are made available.

If the proposed text is not significantly modified, the **CALIFORNIA COASTAL COMMISSION** may adopt the proposed revisions to its regulations substantially as described herein.